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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,219	07/28/2003	Russell E. Blette	58800US002	5459
33692 7590 02/11/2009 3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427				
EXAMINER ROWAN, KURT C				
ART UNIT 3643		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: RUSSELL E. BLETTE, JOHN E. STARK,
and JEFFREY L. WIERINGA

Application No. 10/628,219
Technology Center 3600

Mailed: 10 February 2009

Before LAWRENCE J. BANKS *Paralegal Specialist*
BANKS, *Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on 16 December 2008. A review of the application revealed that it is not ready for docketing as an appeal.

Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

APPEAL BRIEF, CLAIMS APPENDIX

A review of the Appeal Brief filed 11 December 2006 reveals that claim(s) 5, 12, 13 and 16 in the Claims appendix of the Appeal Brief are not in proper format and/or are not consistent as amended in the last entered amendment filed on 3 April 2006. The copy of the claims should be in proper format and should not include any markings such as brackets or underlining except for claims in a reissue application in accordance with 37 CFR 41.37(c)(1)(viii). Furthermore, the Claims Appendix cannot assume entry of After Final Submissions for which an Advisory Action (or other Office communication) has not advised of entry. *See also Manual of Patent Examining Procedure* (MPEP) § 1205.02 (8th ed. Rev. 6, Sept 2007) for details.

Specifically, claims 5, 12, 13, and 16 as provided in the Brief's Claims Appendix appear to be under consideration.

However, in the last entered Amendment dated 3 April 2006 claims 5, 12, 13, and 16 are withdrawn. Appropriate correction of all claims provided in the Claims Appendix in proper format is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner for:

1) correction of the Claims Appendix of the Brief filed 11 December 2006; and

2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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